

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

HO WAN KWOK,

Defendant.

FILED PARTIALLY UNDER SEAL

Case No. 1:23-CR-118-1 (AT)

**DECLARATION OF SIDHARDHA
KAMARAJU ACCOMPANYING
DEFENDANT'S MOTION FOR AN
ORDER AND WRIT STAYING
BANKRUPTCY CASES**

I, SIDHARDHA KAMARAJU, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at the law firm Pryor Cashman LLP and counsel for Defendant Ho Wan Kwok in the above-captioned matter. I submit this declaration upon my personal knowledge in support of Defendant's Motion for an Order and Writ Staying Bankruptcy Cases.

2. A Proposed Order and Writ granting Defendant's Motion is attached hereto as **Exhibit 1**.

3. A true and correct copy of the Memorandum of Decision and Order Holding Individual Debtor in Contempt of Court and Denying Motion for Stay of Order Compelling Production dated July 26, 2023, and issued in the bankruptcy cases captioned *In re Ho Wan Kwok*, Case No. 22-50073(JAM) (Bankr. D. Conn) (Jointly Administered) (the "Bankruptcy Cases"), is attached hereto as **Exhibit 2**.

4. A true and correct copy of the Motion of Chapter 11 Trustee for Entry of Order Under Bankruptcy Rule 2004 and Local Rule 2004-1 Authorizing Examination of Ho Wan Kwok and Production of Documents filed on July 28, 2022 in the Bankruptcy Cases is attached hereto as **Exhibit 3**.

5. True and correct copies of photographs attached as exhibits to the Complaint in the Bankruptcy Case adversary proceeding captioned *Despins v. Taurus Fund LLC et al.*, Adv. Proc. No. 23-05017 (JAM) (Bankr. D. Conn.) (the “Mahwah Proceeding”), are attached hereto as **Exhibit 4**.

6. A true and correct copy of Luc A. Despins’, as trustee in the Bankruptcy Case (the “Trustee”), Motion for Approval of Settlement with United States of America filed in the Mahwah proceeding on August 14, 2023, which attaches as Exhibit 1 a settlement agreement between the Trustee and the United States of America dated July 13, 2023, is attached hereto as **Exhibit 5**.

7. A true and correct copy of an email chain, excluding attachments, between and among Will Farmer, Nicholas Bassett and Avi Luft, counsel for the Trustee in the Bankruptcy Cases, and James Moriarty, Aaron Romney, and Eriz Henzy, counsel for Mr. Kwok in the Bankruptcy Case, beginning July 31, 2023 and ending August 17, 2023, is attached hereto as **Exhibit 6**.

8. A true and correct copy of the government’s April 28, 2023 letter motion to stay the parallel proceeding brought by the United States Securities and Exchange Commission captioned *SEC v. Kwok*, 23 Civ. 2200 (PGG) (S.D.N.Y.), is attached hereto as **Exhibit 7**.

9. A true and correct copy of excerpts from the transcript of a December 12, 2022 hearing in the Bankruptcy Cases is attached hereto as **Exhibit 8**.

10. A true and correct copy of excerpts from the transcript of a May 2, 2023 hearing in the Bankruptcy Cases is attached hereto as **Exhibit 9**.

11. A true and correct copy of excerpts from the transcript of an August 14, 2023 hearing in the Mahwah Proceeding is attached hereto as **Exhibit 10**.

12. A true and correct copy of an August 14, 2023 letter from Eric Henzy to the Honorable Julie A. Manning, United States Bankruptcy Judge, is attached hereto as **Exhibit 11**.

13. A true and correct copy of a Consent Order Regarding Control of Attorney-Client Privilege and Work Product Protection Related to Rule 2004 Subpoenaed Documents and Information, dated September 14, 2022, is attached hereto as **Exhibit 12**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 30, 2023.



Sidhardha Kamaraju
Counsel for Defendant
Ho Wan Kwok